

REMARKS

The instant Amendment C is responsive to the Office Action dated May 5, 2004. Applicants respectfully submit that claims 1, 3-6, 8-10, 17, 19, and 20 as set forth herein patentably distinguish over the cited references, and respectfully ask for allowance of claims 1, 3-6, 8-10, 17, 19, and 20 as set forth herein.

The current status of the claims

Claims 1, 3-6, 8, 10, 11, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, II. (U.S. 5,580,163, hereinafter "Johnson") in view of Larraburu (U.S. 3,302,016, hereinafter "Larraburu").

Claim 9 is allowed.

Applicants ask for confirmation of receipt and consideration of the Applicants information disclosure statement of Dec. 18, 2003

Applicants submitted an information disclosure statement (IDS) on Dec. 18, 2003, listing three references, which was not acknowledged in the Office Action. The verifying USPTO return postcard is reproduced below:

NO. 2311

Inventor/Applicant: SOMMER, S. J. Pat. No. 09/683,395
 Title: DOCKETED Ser. No. 09/683,395
 Attorney/Doct No. 6034 Date DEC 18 2003

☐ PATENT/DESIGN APPLICATION 6034 ☐ AMENDMENT (Due DEC 18 2003)
 New Application Transmitted 6034 Transmitted(s) 6034
 Conf. 6034 Div. 6034 C-4-P 6034 Provisional 6034 Extension of Time (For 6034 month(s))
 CPA Transmitted 6034 PCT Request 6034 ☐ NOTICE OF APPEAL
 Declaration/Power of Atty. 6034 ☐ PCT DEMAND (Due 6034)
 Pgs. Specification 6034 ☐ CHECK(S) in Amount \$ 6034
 Pgs. Claims 6034 ☐ OTHER 6034
 Pgs. Abstract 6034
 Sheet(s) of drawing(s) 6034 ☐ DOCKETED
 Formal 6034 Informal 6034 ☐ RECEIPT IS HEREBY ACKNOWLEDGED
 Preliminary Amendment 6034
 Request and certification under 6034
 35 U.S.C. 122(b)(2)(B)(i) 6034
 Claim to Right of Priority 6034
 Appln. 6034
 Rec. 6034
 Priority document(s) 6034
 Small Entity Statement(s) 6034
 R/A Fee 6034 Publication Fee 6034
 Response to missing parts 6034

☐ ASSIGNMENT 6034 Transmitted 6034 Confirmatory 6034
☒ INFORMATION DISCLOSURE STATEMENT 6034 PTO Form 1449 6034 Ret. 6034

The three references listed on this IDS are: Johnson (applied in the present Office Action and hence available to the Examiner), Shozo et al. U.S. patent no. 6,033,087, and Kelly et al., EP 1 072 884 A2.

Applicants respectfully request confirmation of receipt and consideration of this IDS by the Examiner in the next Office Action.

The prosecution history of this application

Applicants note that this case has been reassigned to a new Examiner, and gratefully acknowledge the non-finality of the present Office Action, which is the third Office Action on the merits in this case. Applicants further note that the presently applied Johnson & Larraburu combination was previously applied in the first Office Action dated Nov. 20, 2002, and that Johnson alone was applied as an anticipatory reference in the second Office Action dated April 2, 2003. The present Office Action withdraws this latter anticipation rejection in apparent recognition of the absence of a lens system in Johnson, and re-applies the Johnson & Larraburu combination of the first Office Action.

In previous Amendments A and B, applicants provided extensive remarks distinguishing the claims over the Johnson & Larraburu combination. A brief summary of those remarks follows: **First**, it is not clear that the tilt focus of Johnson would provide incidental axial motion. Moreover, any incidental axial motion which is provided appears to be limited to less than the one-half of the axial length of the LED (compare the positions of LEDs 34, 34I in Figs. 2 and 3 of Johnson), and hence would not achieve meaningful zooming. **Second**, the proposed combination would render Johnson ineffective for its intended purpose as a ring light with tilting focus. **Third**, the combination is inoperable since the tilting of the Johnson LEDs relative to lenses added from Larraburu would cause optical misalignment and produce distortion or degradation of the light output. **Fourth**, there is no motivation in either reference to make the proposed ineffective and inoperable combination. **Fifth**, far from providing a motivation for combining, Johnson actually teaches away from the combination because Johnson already provides a tilt-based focusing mechanism well-suited for its intended purpose as an adjustable illumination-angle ring light.

This brief summary is provided for the Examiner's convenience, and is not an exhaustive compilation of Applicants' remarks in Amendments A and B pertaining to the Johnson & Larraburu combination, which already total several pages in length. In the following, Applicants additionally respond below to the Johnson & Larraburu rejections set forth in the present Office Action.

Construction of the proposed combination of Johnson & Larraburu

As an initial point, while all rejections are under 35 U.S.C. § 103(a) based on a combination of Johnson & Larraburu, the Office Action's explanation for the rejection of each rejected base claim 1, 5, and 17 refers only to Johnson. However, the present Office Action acknowledges at page 4 that Johnson does not disclose a plurality of lenses, while each rejected base claim 1, 5, and 17 includes at least one lens.

Accordingly, Applicants understand the rejection of these base claims to employ a proposed combination of Johnson and Larraburu in which lenses from Larraburu are imported onto one of the sleeves of the ring light of Johnson.

Applicants find two sleeves in Johnson: an inner sleeve 10 (called "inside housing" in Johnson) and an outer sleeve 18 (called "outside housing" in Johnson). Applicants further find an LED module in Johnson, consisting of the flexible LED mount 16 and the LEDs 34, 34A, ... 34Q.

However, the LED module of Johnson is suspended between the inner and outer sleeves 10, 18. In contrast, each base claim of the present application calls for the LED module or plurality of light sources to be disposed or arranged on one of two sleeves. For this reason alone, Applicants believe the rejections based on the proposed combination of Johnson & Larraburu are improper, since the combination does not include every limitation of the claims. To establish prima facie obviousness, all claim limitations must be taught or suggested by the references. See MPEP § 2143.03.

Claims 1, 3, 4, 8, 10, and 20 patentably distinguish over the cited references

Claim 1 calls for a lamp including an LED module, an optical system including a plurality of lenses in optical communication with the LED module, and a zoom apparatus that selectively relatively axially translates the optical system and the LED module. The zoom apparatus includes an inner sleeve on which the LED module is disposed, and an outer sleeve on which the zoom apparatus is disposed. The inner and outer sleeves are slidably interconnected with the inner sleeve disposed inside the outer sleeve.

The LED module of Johnson is not disposed on an inner sleeve, as called for in claim 1. Rather, the LED module, consisting of the flexible LED mount 16 and the LEDs 34, 34A, ... 34Q, is suspended between the inner sleeve 10 and the outer sleeve 18. Relative movement of the inner and outer sleeves 10, 18 produces a tilting of the LEDs as the flexible mount 16 is stretched. At most, this stretching may provide a slight incidental axial movement of the LEDs, which corresponds to about one-half of the length of the LED (compare the untilted and tilted positions of the LEDs 34, 34I in Figs. 2 and 3, respectively).

In contrast, claim 1 as amended herein calls for relative axial translation of the LED module and the optical system. The Johnson ring light may provide a slight axial movement, but it cannot provide a relative axial translation, because the predominant motion in Johnson is tilting of LEDs. Tilting involves rotation, not translation, of the LEDs.

Claim 4 additionally calls for the plurality of lenses to remain optically aligned with the LEDs of the LED module during relative axial translation of the optical system and the LED module. In Johnson, the LEDs tilt and hence cannot remain optically aligned with the lenses proposed to be added from Larraburu during movement of the LEDs. This tilting is fundamental to operation of the Johnson device as an adjustable-angle-of-illumination ring light.

Dependent claim 20 now sets forth the limitation that the outer sleeve define fixed outside dimensions of the zoom apparatus. The outer sleeve 18 of the Johnson device does not define fixed outside dimensions of the zoom apparatus. As shown in Johnson Figs. 1-3, the inner sleeve 10 extends outside of the outer sleeve 18. Accordingly, as inner and outer sleeves are relatively moved, the overall length of the ring light changes. In contrast, as shown for example in FIGURE 6 of the present application, by disposing the inner sleeve entirely within the outer sleeve, a zoomable lamp having fixed outer dimensions corresponding to the outer sleeve is achieved.

Accordingly, Applicants respectfully submit that claims 1, 3, 4, 8, 10, and 20 as set forth herein patentably distinguish over the references of record, and ask for allowance of claims 1, 3, 4, 8, 10, and 20 as set forth herein.

Claims 5 and 6 patentably distinguish over the cited references

Claim 5 has been amended to incorporate subject matter of claim 19, and calls for a lamp including an LED module including at least one LED arranged on a rigid substrate, an optical system, and a zoom apparatus that selectively adjusts the relative axial separation of the optical system and the LED module. The zoom apparatus includes a first sleeve having the LED module rigidly arranged thereon and a first threading, and a second sleeve having a second threading adapted to cooperate with the first threading such that the first and second sleeves are relatively movable in a screwing fashion. The second sleeve further has the optical system rigidly arranged thereon.

The LEDs of Johnson are not rigidly arranged on a substrate. Rather, the LEDs of Johnson are arranged on the flexible mount 16. Indeed, the entire tilting adjustment of the Johnson ring light depends upon flexibility of the mount 16.

Moreover, the LED module of Johnson is not rigidly arranged on either sleeve 10, 18. Rather, the LED module of Johnson, including the LEDs 34, 34A, ... 34Q and the flexible mount 16, is flexibly suspended between the inner and outer sleeves 10, 18, and is not rigidly disposed on either sleeve.

Claim 6 as amended herein calls for an index system that relatively biases the first sleeve and the second sleeve into a selected one of a plurality of selectable relative rotational positions. The sleeves 10, 18 of Johnson cannot relatively rotate, because they are held in a single fixed rotational position by the flexible LED mount 16. Thus, Johnson does not, and cannot, incorporate an index system that relatively biases the sleeves into a selected one of a plurality of selectable relative rotational positions.

Accordingly, Applicants respectfully submit that claims 5 and 6 as set forth herein patentably distinguish over the references of record, and ask for allowance of claims 5 and 6 as set forth herein.

Applicants request reconsideration of claim 17

Claim 17 calls for a lamp including a plurality of light sources, an optical system including a plurality of lenses in optical communication with the light sources, and a zoom apparatus that selectively adjusts a relative axial separation of the optical system and the light sources. The zoom apparatus includes two threadedly interconnected sleeves, the first sleeve having the light

sources arranged thereon, and the second sleeve having the optical system arranged thereon.

Once again, claim 17 calls for the light sources to be arranged on a first sleeve, that is, on one of the two sleeves. In contrast, Johnson places LEDs on a flexible mount arranged between two sleeves.

Moreover, the inner and outer sleeves 10, 18 of Johnson are not threadedly interconnected. Rather, the sleeve 10 has threads that mate with corresponding threads on a focus adjustment ring 20. The outer sleeve 18 does not include threads, but rather is moved axially as the abutting focus adjustment ring 20 pushes the outer sleeve 18. See Johnson col. 3 lines 24-31. Moreover, the focus adjustment ring 20 of Johnson cannot be replaced by disposing a threading on the outer sleeve 18, because the inner and outer sleeves 10, 18 cannot relatively rotate due to the connecting flexibly LED mount 16.

Claim 19 has been amended to depend from claim 17, and calls for the light sources to be rigidly mounted on the first sleeve and the optical system to be rigidly mounted on the second sleeve. In Johnson, the light sources are flexibly mounted on the flexible LED mount 16, and there is no optical system whatsoever in Johnson. At best, adding Larraburu as a combination enables placement of an optical system on one of the sleeves of Johnson. However, Larraburu cannot remedy the non-rigid mounting of the LEDs in Johnson, nor can Larraburu remedy the failure of Johnson to place the LEDs on only one of the two sleeves 10, 18.

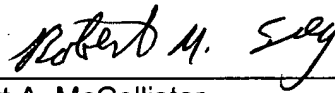
Accordingly, Applicants respectfully submit that claims 17 and 19 as set forth herein patentably distinguish over the references of record, and ask for allowance of claims 17 and 19 as set forth herein.

CONCLUSION

For the reasons set forth above, it is submitted that claims 1, 3-6, 8-10, 17, 19, and 20 as set forth herein patentably distinguish over the references of record. Accordingly, an early indication of allowance of claims 1, 3-6, 8-10, 17, 19, and 20 as set forth herein is earnestly solicited.

Respectfully submitted,

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